

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

ROY AGELOFF

PETITIONER

VERSUS

CIVIL ACTION NO: 5:07-cv-124-DCB-MTP

CONSTANCE REESE,
WARDEN, FEDERAL CORRECTIONAL COMPLEX

DEFENDANT

ORDER

This cause comes before the Court on the pro-se petitioner's Motion to Reinstate Objections to the Magistrate Judge's Report and Recommendation [docket entry no. 25]. Having carefully considered said Motion, applicable statutory and case law, and being otherwise fully advised in the premises, the Court finds and orders as follows:

On August 20, 2009, after the petitioner failed to file objections, this Court adopted the Magistrate Judge's Report and Recommendation ("R&R") which recommended that the petitioner's Writ of Habeas Corpus be dismissed with prejudice. Subsequently, a Final Judgment [docket entry no. 23] was filed dismissing this cause with prejudice. On February 22, 2010, the petitioner filed the instant motion asking the Court to reinstate his objections to the R&R. This Court construed the petitioner's motion as a Motion to Re-open pursuant to Federal Rule of Civil Procedure 60. On May 4, 2010, this Court ordered the petitioner to file his objections to the Magistrate Judge's Report and Recommendation within ten days. Inasmuch as the petitioner failed to comply with that Order,

the Court finds that his motion is denied. Accordingly,

IT IS HEREBY ORDERED THAT the petitioner's Motion to Reinstate Objections to the Magistrate Judge's Report and Recommendation [docket entry no. 25] is **DENIED**.

SO ORDERED AND ADJUDGED this the 4th day of June 2010.

s/ David Bramlette

UNITED STATES DISTRICT JUDGE